

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR-11-0154 MMC

Plaintiff,

**ORDER DENYING DEFENDANT
EDUARDO PACHECO'S MOTION FOR
MODIFICATION OF SENTENCE**

v.

EDUARDO PACHECO,

Defendant.

Before the Court is defendant Eduardo Pacheco's "Pro Se Motion for Modification of Sentence Pursuant to 18 U.S.C. § 3582(c)(2)," filed June 18, 2015, in which defendant seeks a reduction of his sentence under Amendment 782 to § 1B1.10 of the United States Sentencing Guidelines. On July 29, 2015, the Office of the Public Defender filed in response thereto a "Notice of Non-Intervention; Status Report," pursuant to Miscellaneous Order 2014.10.14, in which it states it has nothing further to add to defendant's request and is not seeking to intervene in the matter. Thereafter, on October 8, 2015, the United States Probation Office filed a "Sentence Reduction Investigation Report," recommending no reduction in defendant's sentence, for the reason that, in light of Amendment 782, the amended guideline range applicable to defendant is 168 to 210 months, and defendant's sentence of 140 months is already less than the minimum of said amended range. The Probation Office's report also states that the government is in agreement with the Probation

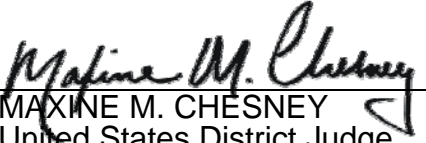
1 Office's recommendation.

2 Having read and considered the motion and the responses thereto, the Court finds,
3 for the reasons stated by the Probation Office, said defendant is not entitled to a reduction
4 of his sentence. See U.S.S.G. § 1B1.10(b)(2)(A) (providing sentence may not be reduced
5 "to a term that is less than the minimum of the amended guideline range").

6 Accordingly, defendant's motion is hereby DENIED.

7 **IT IS SO ORDERED.**

8
9 Dated: October 9, 2015


MAXINE M. CHESNEY
United States District Judge